

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

2018 NOV 26 40

Central District of California
CENTRAL DIST. OF CALIF.
RIVERSIDE

UNITED STATES OF AMERICA

BY _____

v.

SANDRA VERALI MARTINEZ-CALDERON,
aka "Sandra Verali Martinez,"
aka "Sandra V. Martinez,"
aka "Sandra Martinez-Calderon,"
aka "Sandra Martinez,"
aka "Sandra Verali Martinez"

Defendant.

Case No.

LA18-3121M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about October 7, 2018, in the County of Orange in the Central District of California, the defendant violated:

Code Section

8 U.S.C. §§ 1326(a) and (b)(1) and (b)(2)

Offense Description

Illegal Re-entry of a Deported or Removed Alien

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

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Complainant's signature

Carlos Martinez Jr., Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/26/2018

KENLY KIYA KATO

Judge's signature

City and state: Riverside, California

Hon. Kenly Kiya Kato, U.S. Magistrate Judge

Printed name and title

AUSA Douglas Hansen *DH*

AFFIDAVIT

I, Carlos Martinez Jr., being duly sworn, declare and state as follows:

I. INTRODUCTION

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), and I have been so employed since September 2006. I am currently assigned to the San Bernardino Office of Enforcement and Removal Operations. I have experience reviewing immigration files, removal proceedings and executed final orders of removal.

II. PURPOSE OF AFFIDAVIT

2. This affidavit is made in support of a criminal complaint charging SANDRA VERALI MARTINEZ-CALDERON, also known as ("aka") "Sandra Verali Martinez," aka "Sandra V. Martinez," aka "Sandra Martinez-Calderon," aka "Sandra Martinez," aka "Sandra Verali Martinez" ("MARTINEZ-CALDERON"), with a violation of Title 8, United States Code, Sections 1326(a) and (b)(2) (Illegal Re-entry of a Deported or Removed Alien).

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to merely show that there is sufficient probable cause for the requested criminal complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically

indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

III. PROBABLE CAUSE

4. On or about November 16, 2018, Deportation Officer Jesus A. Ibarra ("DO Ibarra") informed me of the following:

a. On or about October 15, 2018, DO Ibarra received notice of an Immigration Alien Response ("IAR") from the ICE Pacific Enforcement Response Center ("PERC") informing him that, on or about October 7, 2018, local law enforcement in the county of Orange arrested MARTINEZ-CALDERON for the offense of Driving Under the Influence of Alcohol. Subsequently, DO Ibarra conducted law enforcement database checks and learned that MARTINEZ-CALDERON was cited and released the same day. Based on this information, I undertook the present investigation of MARTINEZ-CALDERON.

5. Based on my training and experience, I know that the United States Department of Homeland Security ("DHS") maintains Alien Registration Files ("A-Files") which contain immigration records for aliens admitted to or found within the United States. Based on my review of many such A-Files, I know that they contain photographs, fingerprints, court records, and records of deportations or removals relating to the alien for whom DHS maintains the A-File.

6. On or about November 16, 2018, I obtained and reviewed the DHS A-File A073 919 738, which is maintained for the subject alien "SANDRA VERALI MARTINEZ-CALDERON." The A-File contained the following documents and information:

a. Photographs of the subject alien to whom DHS A-File A073 919 738 corresponds. I compared those photographs to photographs taken of MARTINEZ-CALDERON at the time of her booking into the Orange County Jail on or about October 7, 2018. I determined that the photographs in DHS A-file A073 919 738 depict MARTINEZ-CALDERON.

b. Removal Order showing that MARTINEZ-CALDERON was ordered removed from the United States to El Salvador on August 26, 2009.

c. Executed I-205 Warrant of Removal/Deportation indicating that MARTINEZ-CALDERON was officially removed and deported from the United States on September 16, 2009. I know from my training and experience that an I-205 Warrant of Removal/Deportation is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, INS) and usually contains the subject's photograph, signature, and fingerprint. The executed I-205 Warrant of Removal/Deportation in MARTINEZ-CALDERON's DHS A-File contain her photograph, signature, and fingerprint.

d. A certified copy of conviction record, from the United States District Court, Southern District of California, case number 07-CR-00772-LAB, showing that MARTINEZ-CALDERON was convicted on or about October 1, 2007, of Importation of Cocaine, in violation of Title 21, United States Code, Sections 952 and 960, for which MARTINEZ-CALDERON was sentenced to 24 months in prison.

e. Various documents, in addition to the Warrant of Removal/Deportation, indicating that MARTINEZ-CALDERON is a native and citizen of El Salvador. These documents include: (i) a Final Order of Deportation, dated August 26, 2009, ordering MARTINEZ-CALDERON deported to El Salvador; and (ii) a copy of MARTINEZ-CALDERON birth certificate from El Salvador.

f. On or about October 16, 2018, I reviewed the printouts of the Criminal Identification Index ("CII"). Based on my training and experience, I know that the CII databases track and record arrests and convictions of individuals according to an individual's CII number. The CII printouts confirmed that MARTINEZ-CALDERON had been convicted of the crime reflected on the documents contained in the DHS A-File, described above.

7. On or about October 16, 2018, I reviewed the printouts of ICE computer indices on MARTINEZ-CALDERON. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE, was deported by the former INS, or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that MARTINEZ-CALDERON had been deported on the dates indicated on the Warrant of Removal/Deportation found in the DHS A-File. The ICE computer indices further indicated that MARTINEZ-CALDERON had not applied for or obtained permission from the Attorney General or his designated successor, the Secretary of Homeland Security, to re-

enter the United States legally since MARTINEZ-CALDERON had last been deported.

8. Based on my review of MARTINEZ-CALDERON's DHS A-File, I have determined that his A-File does not contain any record of him ever applying for, or receiving permission from, the Attorney General or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in the DHS A-File.

IV. CONCLUSION

9. Based on the foregoing, I submit that there is probable cause to believe that MARTINEZ-CALDERON has violated Title 8, United States Code, Sections 1326(a) and (b)(2) (Illegal Re-entry of a Deported or Removed Alien).

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Carlos Martinez Jr.
Deportation Officer, ICE

Subscribed to and sworn before me
this 26 day of November, 2018.

KENLY KIYA KATO

UNITED STATES MAGISTRATE JUDGE